

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

MARK MOYAR,

Appellant,

v.

DEPARTMENT OF DEFENSE,  
*et al.*,

Appellees.

Case No. 23-5085

\* \* \* \* \*

**STATEMENT OF ISSUES TO BE RAISED**

Appellant Mark Moyer (“Moyar”), by and through undersigned counsel,  
hereby responds to the Court’s Scheduling Order dated 25 April 2023 as follows.

This case involves the following questions:

1. Whether the District Court erred as a matter of fact and law in declining to strike inadmissible testimony?
2. Whether the District Court erred as a matter of fact and law in concluding that Moyar did not allege that he was entitled to receive the records he demanded because Appellee Department of Defense did not determine that he did not meet the standards for access to classified information.

Date: May 25, 2023

Respectfully submitted,

/s/ Kelly B. McClanahan

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